

Remarks/Arguments:

The priority claim was made in the Declaration that was filed with the application and, was thus proper under 37 C.F.R. § 1.55(a)(1)(i). Applicants note that the time limits of this section apply only to submission of the *claim* of right of priority, not to submission of the certified copies of the priority documents. . It is noted that the time limits for filing certified copies of the priority documents under 37 C.F.R. § 1.55(a)(2) are different from the time limits for filing the claim to right of priority. As set forth in 37 C.F.R. § 1.55(a)(2), the certified copies may be submitted any time before the patent issues. The certified copies of the priority documents are submitted herewith. Because these certified copies are filed prior to the issuance of the subject application, they are timely filed and, so, Applicants request that the claim to right of priority be granted.

It is noted in the Office Action that the specification had not been checked by the Examiner for all possible minor errors and the Examiner requested Applicants' cooperation in correcting any such errors. In response to an earlier request by the Examiner, Applicants filed , on October 3, 2003, a substitute specification including corrections to many minor errors in the specification.

The disclosure was objected to as not containing a descriptive title. The title is amended herewith to more clearly indicate the patentable features of the invention.

Claims 1-5, 7-8 and 11 are pending in the above-identified application. Claim 9 is canceled and claims 12-26 are canceled without prejudice.

Claims 1-5 and 7-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peeters et al. This ground for rejection is overcome by the amendments to claims 1 and 5. In particular, Peeters et al. do not disclose or suggest:

a photochromic super-resolution mask layer sandwiched between the substrate and the reflective layer, the photochromic super-resolution mask layer comprising high-order non-linear photochromic materials thus selectively reducing a read-writing focal size of one of the wavelength light beams, wherein all the information layers and the mask layer are located within the focal depth of the objective lens

as required by amended claim 1 or,

a photochromic super-resolution mask layer selectively reducing a read-writing facular size of light beams, wherein at least one of said multiple recording layers is sandwiched between the photochromic super-resolution mask layer and the reflective layer; and wherein the recording layers and the mask layer are located within the focal depth of the objective lens

as required by amended claim 5. Basis for these amendments may be found in the specification as filed at page 14, line 32-page 15, line 3 in the application as filed (page 17, line 29 through page 18, line 10 of the substitute specification) and at page 16, lines 16-22 of the application as filed (page 19, lines 23-29 of the substitute specification). No new matter is added by these amendments.

Peeters et al. discloses only the use of a photosensitive layer as a data recording layer. It does not disclose or suggest positioning a photochromic layer as a mask layer between the substrate and the reflective layer, as required by claim 1, nor does it disclose or suggest the use of a photochromic mask layer to selectively reduce a read-writing facular size of one of the wavelength light beams, as required by claims 1 and 5. As shown in Figs. 3A and 3B of Peeters et al., the photosensitive layer 33 is the top layer of the device and, thus, can not be "sandwiched between the substrate and the reflective layer" as required by claim 1. Furthermore, because Peeters et al. disclose only a single photosensitive recording layer and a single thermosensitive recording layer (see col. 2, lines 14-28), Peeters et al. can not disclose or suggest both "multiple recording layers ... [comprising] at least one kind of photochromic material," and a "photochromic mask layer" as recited in both claim 1 and claim 5..

Because Peeters et al. do not disclose or suggest these features of claims 1 and 5, these claims are not subject to rejection under 35 U.S.C. § 102(b) in view of Peeters et al. Claims 2-4 depend from claim 1 and claims 7, 8 and 10 depend from claim 5. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 102(b) for at least the same reasons as claims 1 and 5.

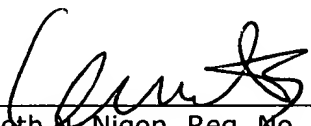
Claim 11 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Peeters et al. This ground for rejection is overcome by the amendments to claim 5, set forth above. Because Peeters et al. do not disclose or suggest the above-referenced limitations of claim 5, claim 11, which depends from claim 5 can not be subject to rejection under 35 U.S.C. § 103(a) in view of Peeters et al.

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In view of the foregoing amendments and remarks, Applicants respectfully request that the Examiner allow the priority claim and reconsider and withdraw the objections to the specification and the rejection of claims 1-5, 7, 8, 10 and 11.

Respectfully submitted,



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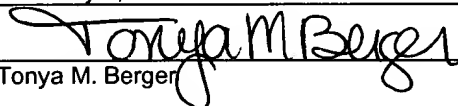
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February 3, 2004



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